



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

CERTIFIED MAIL

September 3, 2014

Brad Ahbe, President
Canton Drop Forge, Inc.
4575 Southway Street SW
Canton, Ohio 44706

Re: Canton Drop Forge, Inc.
Director's Final Findings and Orders
Director's Final Findings and Orders
Hazardous Waste
Stark
OHD 004 465 142

Dear Mr. Ahbe:

Transmitted herewith are Final Findings and Orders of the Director concerning the matter indicated.

If you have any questions, please contact Andrea Smoktonowicz at (614) 644-3037.

Sincerely,

Demitria Crumiell-Hagens
Division of Materials & Waste Management

Enclosure

cc: Rod Beals, DERR, NEDO
Mitch Mathews, DMWM, CO
Andrea Smoktonowicz, Legal
Ed Lim, DERR, CO
Natalie Oryshkewych, DMWM, NEDO
Erik Hagen, DERR, CO
Kim Burke, Taft Stettinius & Hollister LLP

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.

SEP-3 2014

ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Canton Drop Forge, Inc.
4575 Southway Street Southwest
Canton, Ohio 44706

**Director's Final
Findings and Orders**

Respondent

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: Dan Cassel Date: 9-3-14

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Canton Drop Forge, Inc. (Respondent), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13, 3734.02(G) and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings, none of which shall be considered to be an admission by Respondent of any matter of law or fact:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio

Administrative Code (OAC) rule 3745-50-10(A). Respondent manufactures steel forgings and other appurtenances at the property. The property is located at 4575 Southway Street Southwest, Canton, Ohio 44706 (Facility). Respondent uses oil as part of the manufacturing process and generates used oil as defined under OAC rules 3745-50-10(A) and 3745-279-01(A). Therefore, Respondent is a "used oil generator" as defined in OAC rule 3745-279-01.

2. On August 6 through 8, 2012, the United States Environmental Protection Agency (U.S. EPA) inspected the Facility. During the inspection, US EPA observed Respondent's management of used oil at the Facility. Specifically, U.S. EPA observed used oil being managed and stored by Respondent in two "surface impoundments," as that term is defined in OAC rule 3745-50-10(A) designated by Respondent as Ponds 1 and 2.
3. On January 22, 2013, based on the inspection referenced in Finding No. 2, information provided by Respondent's employees, and a review of records, U.S. EPA issued a notice of violation to Respondent, citing violations of, *inter alia*: used oil management standards in OAC rule 3745-279-12(A) (40 CFR § 279.12(a)) and OAC rule 3745-279-22(A) (40 CFR § 279.22(a)) for storing or managing used oil in a surface impoundment without complying with OAC Chapters 3745-54 to 3745-57 and 3745-205 or OAC Chapters 3745-65 to 3745-69 and 3745-256 and OAC Chapter 3745-270.
4. By letter dated August of 2014, Respondent again informed Ohio EPA of its September 5, 2012 Notice of Entry into Ohio EPA's Voluntary Action Program, Memorandum of Agreement and its intention to address site-wide ground water and subsoils corrective action under Ohio EPA's Voluntary Action Program.
5. As the result of Respondent's storage of used oil in a surface impoundment in violation of OAC rules 3745-279-12(A) and 3745-279-22(A), as described in Finding No. 2. of these Orders, the Director has determined that Respondent is subject to regulation under OAC Chapters 3745-54 to 3745-57 and OAC Chapter 3745-270, including but not limited to, closure in accordance with OAC rules 3745-55-11 through 3745-55-20, requirements for surface impoundment closure under OAC rule 3745-56-28, financial assurance for closure requirements contained in OAC rules 3745-55-42 through 3745-55-51, and corrective action for waste management units in accordance with OAC rule 3745-54-101.

V. ORDERS

Respondent shall achieve compliance with Chapter 3734 of the ORC and the regulations promulgated thereunder, provided that Respondent complies with the following:

1. Within 10 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan for the identified used oil management and storage surface impoundments, Ponds 1 and 2, as described in Finding No. 2. of these Orders. A copy of the Closure Plan shall be submitted in accordance with Section X. of these Orders and an additional copy shall be submitted to Ohio EPA, Division of Environmental Response and Revitalization, Ed Lim, Manager, Engineering Section, P.O. Box 1049, Columbus, Ohio 43216-1049;
2. This Closure Plan shall comply with the administrative requirements of OAC Chapters 3745-65 and 3745-66 and the substantive requirements of OAC Chapters 3745-54 and 3745-55, and OAC rule 3745-56-28, except for the groundwater protection program pursuant to OAC rules 3745-54-90 through 3745-54-100 and requirements regarding contaminated subsoils pursuant to OAC rule 3745-56-28 for reasons described in Finding No. 4. of these Orders.
3. The Closure Plan is subject to approval by Ohio EPA. If Ohio EPA does not approve the Closure Plan referenced in Order No. 1., and provides Respondent with a written statement of deficiencies, Respondent shall submit a revised Closure Plan for approval addressing the deficiencies within 30 days of receiving such written statement. If Ohio EPA modifies the Closure Plan, the modified Closure Plan becomes the approved plan;
4. Upon Ohio EPA approval of the Closure Plan, Respondent shall implement the approved Closure Plan in the manner and pursuant to the time frames set forth in the approved Closure Plan and OAC rules 3745-55-13/3745-66-13.
5. Within 30 days after Ohio EPA's approval of the Closure Plan, Respondent shall submit a closure cost estimate and documentation demonstrating that Respondent has established financial assurance and liability coverage for the areas of the Facility subject to closure, in accordance with OAC rules 3745-55-42 through 3745-55-47.
6. Within 60 days after completion of closure, Respondent shall submit certification of closure to Ohio EPA in accordance with OAC rule 3745-55-15.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Materials and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to

address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Materials and Waste Management
2120 East Aurora Road
Twinsburg, Ohio 44087
Attn: DMWM Manager

and Ohio EPA Central Office at the following addresses:

For mailings, use the post office box number:

Craig W. Butler, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Craig W. Butler, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Materials and Waste Management
50 West Town Street
Columbus, Ohio 43215
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

In the event that a no further action letter is not issued and submitted to Ohio's Voluntary Action Program in accordance with OAC rule 3745-300-13 on behalf of Respondent, Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform groundwater investigation and remediation and subsoil remediation at the Facility in accordance with OAC rules 3745-54-90 through 3745-54-100 and OAC rule 3745-56-28, respectively, and corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734 or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such groundwater investigation and remediation, subsoil remediation, and corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders. Nothing in these Orders shall be construed either to create any rights in or grant any cause of action to any person not a party to these Orders, or to release or waive any claim, cause of action, demand, or defense in law or equity that any person not a party to these Orders may have against Respondent.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the right to require Respondent to perform groundwater investigation and remediation and subsoil remediation at the Facility

in accordance with OAC rules 3745-54-90 through 3745-54-100 and OAC rule 3745-56-28, respectively, and seek corrective action at the Facility by Respondent in the event that a no further action letter is not issued and submitted to Ohio's Voluntary Action Program in accordance with OAC rule 3745-300-13 on behalf of Respondent, which right Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

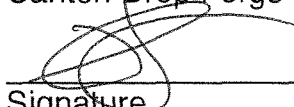


Craig W. Butler
Director

Date

IT IS SO AGREED:

Canton Drop Forge Inc.



Signature

8/13/2014
Date

BRAD AHBE

Printed or Typed Name

PRESIDENT

Title